

R E M A R K S

By this Amendment the specification has been amended on page 7 to identify the inner lid (plate) 5 as being planar (this is clear from Figs. 1 and 3-6), claim 55 has been amended to better define the invention and to identify the inner lid as planar, and claims 49-51 have been amended to better define the intended subject matter. Entry is in order.

In the outstanding Office Action the examiner has rejected claims 55, 49 and 52-54 under 35 U.S.C. 103(a) as being unpatentable over Geiger in view of Lecinski, he has rejected claims 55, 49 and 52-54 under 35 U.S.C. 103(a) as being unpatentable over Geiger in view of Hayes, he has rejected claims 41-48 under 35 U.S.C. 103(a) as being unpatentable over Geiger in view of Hayes and Osip et al., and he has stated that claims 50 and 51 contain allowable subject matter.

The inventor asserts that the examiner's rejections cannot apply to the amended claims.

Geiger discloses a screw cap 1 formed of an outer cap 2 and an inner cap 3, the outer cap 2 including inner threads 5, 6 for engagement with threads 9, 10 on the external surface of neck 7 of container 8 and a projection 23b which, when the outer cap 2 is unscrewed relative to the neck 9, will raise the inner cap 3. The inner cap 3 is made of deep-drawn sheet metal (col. 3, line 38) which provides an annular groove 14 at its periphery containing a soft-elastic sealing layer 12 that engages the face

of the opening edge 13 of the neck 7. The inner cap 3 is not planar and is not formed of three layers as is defined in applicant's amended claim 55.

Lecinski discloses a composite closure which includes a ring member 20 and a closure panel 22 for positioning on a container neck finish 14. The closure panel 22 includes a panel member 36 which has an external protective coating 38 and is configured to have a peripheral, annular, downwardly open channel 40 for containing a gasket 42. The panel member 36 is not planar and is not formed of three layers as defined in applicant's amended claim 55.

Hayes discloses a closure for covering glass jars which includes a disk 14 that provides an annular channel 18 at its periphery. The disk is not planar.

Osip et al. disclose a composite closure for plastic containers which includes a shaped metallic disk 40 having an outer annular portion 45, a downwardly inclined annular portion 47, an upwardly inclined annular portion 49 and a center circular portion 51.

No combination of these cited patents would provide a lid assembly as defined in applicant's claim 55 which includes a planar, multilayered inner lid.

Favorable reevaluation is requested.

Respectfully submitted,

DYKEMA GOSSETT, PLLC

By: 

Richard H. Tushin

Registration No. 27,297

Franklin Square, Third Floor West
1300 I Street, N.W.

Washington, DC 20005-3353

(202) 906-8680